

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RONALD E. POWELL, ROBERT O'TOOLE, ROBERT WILSON, BRIAN JORDAN, DONALD G. SHAPER, and WILLIAM R. SEEHAFFER, as Trustees and on behalf of The United Food & Commercial Workers Unions & Employers Midwest Pension Fund,

*Plaintiffs,*

vs.

OCWEN FINANCIAL CORPORATION; OCWEN LOAN SERVICING LLC; OCWEN MORTGAGE SERVICING, INC.; ALTISOURCE PORTFOLIO SOLUTIONS, S.A.; ALTISOURCE SOLUTIONS, INC.; ALTISOURCE RESIDENTIAL CORPORATION; ALTISOURCE ASSETS MANAGEMENT CORPORATION; REALHOME SERVICES AND SOLUTIONS INC.; ALTISOURCE ONLINE AUCTIONS, INC.; ASSURANT, INC.; STANDARD GUARANTY INSURANCE COMPANY; AMERICAN SECURITY INSURANCE COMPANY; VOYAGER INDEMNITY INSURANCE COMPANY; AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA; SOUTHWEST BUSINESS CORPORATION; CROSS COUNTRY HOME SERVICES, INC.; HOMESURE OF AMERICA, INC.; HOMESURE SERVICES, INC.; HOMESURE PROTECTION OF VIRGINIA, INC.; and WELLS FARGO BANK, N.A.,

*Defendants.*

No. 18-cv-1951 (VSB)

**DECLARATION OF HOWARD F. SIDMAN IN SUPPORT OF  
DEFENDANT WELLS FARGO BANK, N.A.'S RULE 12(B)(6)  
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

I, Howard F. Sidman, hereby declare and state as follows under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct:

1. I am a member of the law firm of Jones Day and counsel for Defendant Wells Fargo Bank, N.A. in the above-referenced action. I submit this declaration in further support of Defendant's Motion to Dismiss for Failure to State a Claim in this matter (the "Motion").

2. Annexed to this declaration as Exhibit A is a true and correct copy of the Amended and Restated Trust Agreement for Trust Certificates for the American Home Mortgage Investment Trust 2005-3, Mortgage-Backed Notes, dated September 20, 2005.

3. Annexed to this declaration as Exhibit B is a true and correct copy of the Prospectus Supplement for the American Home Mortgage Investment Trust 2005-3, Mortgage-Backed Notes, Series 2005-3, dated September 19, 2005.

4. Annexed to this declaration as Exhibit C is a true and correct copy of the Tax Opinion for the American Home Mortgage Investment Trust 2005-3, Mortgage-Backed Notes, Series 2005-3, dated September 20, 2005, by Thacher Proffitt & Wood LLP.

5. Annexed to this declaration as Exhibit D is a true and correct copy of the United Food & Commercial Works Unions & Employers Midwest Pension Fund's ("UFCW") Form 5500 for the year beginning December 1, 2015.

6. Annexed to this declaration as Exhibit E is a true and correct copy of UFCW Plan's Form 5500 for the year beginning December 1, 2014.

7. Annexed to this declaration as Exhibit F is a true and correct copy of UFCW Plan's Form 5500 for the year beginning December 1, 2013.

8. Annexed to this declaration as Exhibit G is a true and correct copy of UFCW Plan's Form 5500 for the year beginning December 1, 2012.

Executed on July 13, 2018

/s/ Howard F. Sidman

Howard F. Sidman

**CERTIFICATE OF SERVICE**

I certify that on July 13, 2018, I caused the forgoing to be served to all counsel of record via ECF.

/s/ Howard F. Sidman  
Howard F. Sidman